

SB236

SENATE JUDICIARY
EXHIBIT NO. 12
DATE 2/4/09
BILL NO. SB236

TESTIMONIES FOR ABOLITION OF THE DEATH PENALTY IN MONTANA

February 4th, 2009;

Helena, Montana

Fr. Herbert Joseph Pins (short 'vita')

Prison chaplain at Deer Lodge (1/1/97 to 6/10/04); chaplain of Montana State Hospital in Warm Springs (1/1/97 to present); pastor of St. Rose of Lima and Missions, Dillon and Beaverhead County (7/1/06 to present); hospital chaplain in Seattle (7/1/1980 to 7/1/1995); hospital chaplain in Pittsburgh, Pennsylvania (6/1/1971 to 7/1/1980). Accredited "prison chaplain" with a national body, the Association of Catholic Correctional Chaplains of America (ACCCA).

My Testimony to Legislators Reviewing Abolition of Capital Punishment

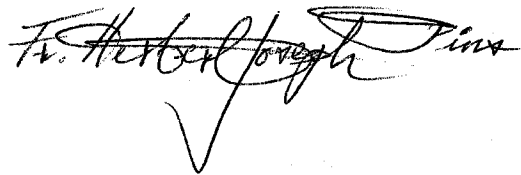
Respectfully submitted this Wednesday, February 4th, 2009

- 1.) I humbly suggest from my seven years of working with the inmates at Deer Lodge, and from my daily conversations with inmates that the death penalty does not figure into preventing crimes and it does not provide any meaningful leverage in control of inmates within the prison. In my conversations with Daniel Johnson on Saturday mornings in the MAX facility we talked in great depth about the death penalty, and Daniel said: "Father, when I am enraged and out of control nothing would stop me, and I certainly never thought about the death penalty." I contend that normal people with moral consciences might consider the consequences of their actions, but the vast majority of inmates have little or no conscience to stop their criminal behaviors. They commit crimes in a mindless bubble; the last thing they would consider is the death penalty.
- 2.) As for thinking that the death penalty is a safety factor within the prison, I would argue it has an inverse effect. When executions approach the entire inmate population becomes agitated and more distrustful, voicing "if they will execute so and so, then what might they do to me". For the men in the MAX facility, they have no further privileges to lose. The worst of offenders often said to me face to face: "I wish they'd kill me and get it over with ... it's TOO LONG IN A SMALL ROOM." I encountered a mentality of 'bring it on'. Before and after executions there is a palpable edginess that builds among the inmates. As a staff member I can assure you that guards and prison staff are also impacted in a negative atmosphere of similar edginess. Everyone in the prison is edgy!
- 3.) It is worth remarking that there are two kinds of English; the language of violence and the language of non-violence. My Christianity tells me that people will only change through the language of non-violence. But the only language inmates know is the language of violence. And it saddens

me that when we execute inmates we are speaking their language! How many times do you have to slap a child to teach them not to slap their playmates? Likewise, how many times do you have to kill a criminal to teach society that killing is not acceptable.

- 4.) As a theologian I have more frustrating reflection. We have in Christianity the central belief that the death of Christ on the Cross was perfect expiation for all sins. His death has paid for all sins, for all murders. The death of a criminal cannot pay back anything, it cannot satisfy the loss of a loved one, it cannot remove the pain and the sorrows of victim families. I believe whole-heartedly that only the death of Christ can pay for sins. The eye for an eye and tooth for a tooth mentality has never worked.
- 5.) One last thought. I know that some inmates need a much longer time to acknowledge their crimes and become spiritually changed. Many people know how Dewey Coleman spent ten years on death row, had his sentence commuted, and how powerfully he has lead the inmates in Christian programs. If we had executed Dewey immediately, he would never have had the chance to repent and change. If God's plan for an inmate is to slowly bring him to repentance, do we have the right to interfere with God's plan by executing someone before their spiritual work is done.
- 6.) Thank You for considering my reflections.

Fr. Herbert Joseph Pins

A handwritten signature in cursive script, reading "Fr. Herbert Joseph Pins". The signature is written in dark ink and is positioned below the printed name. It features a large, stylized initial "H" and a prominent "P".